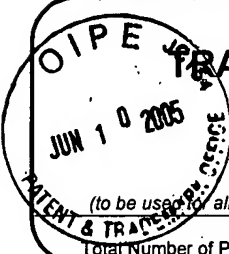


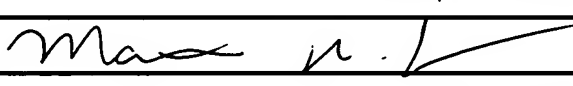
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 <p>TRANSMITTAL FORM</p> <p>(to be used for all correspondence after initial filing)</p>	Application Number	10/675361
	Filing Date	September 30, 2003
	First Named Inventor	David Louis Kirschman
	Art Unit	3732
	Examiner Name	PHILOGENE, PEDRO
Total Number of Pages in This Submission	Attorney Docket Number	KRS 001 P2

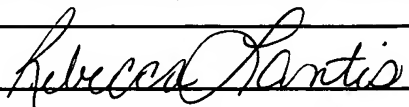
ENCLOSURES (Check all that apply)

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Remarks Response to Office Action mailed April 8, 2005 with the time for response being extended up to and including June 8, 2005		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

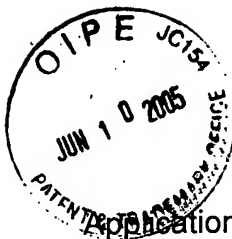
Firm Name	JACOX, MECKSTROTH & JENKINS		
Signature			
Printed name	MATTHEW R. JENKINS		
Date	6-7-05	Reg. No.	34,844

CERTIFICATE OF TRANSMISSION/MAILING

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Typed or printed name	REBECCA LANTIS	Date	6-8-2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Inventor(s) : David Louis Kirschman
Serial No. : 10/675361
Filed : September 30, 2003
Title: SPINAL FUSION SYSTEM
AND METHOD
Group : 3732
Examiner : Pedro Philogene
Docket : KRS 001 P2

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Mailing	
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<u>Rebecca Lantis</u>	
Typed or printed name of person mailing paper or fee	
<u>Rebecca Lantis</u>	
Signature of person mailing paper or fee	

Sir:

RESPONSE TO OFFICE ACTION

Responsive to the Office Action mailed April 8, 2005 in the above-identified application, with the time for response being extended up to and including June 8, 2005, Applicant elects to prosecute the species containing Figs. 1 – 20 and 24 relating to claims 1 – 125 and 131 - 182. It is respectfully requested that the non-elected claims be held in abeyance pending the filing of a divisional application or the allowance of the elected claims.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to **Deposit Account No. 50-1287**. Applicants hereby provide a general request for any extension of time which may be required at any time during the prosecution of the application. The Commissioner is also authorized to charge any fees which have not been previously paid for by check and which are required during the

Serial No. 10/675361
Response to Office Action of April 8, 2005
Examiner: Pedro Philogene
Docket: KRS 001 P2

prosecution of this application to **Deposit Account No. 50-1287**. (Should Deposit Account No. 50-1287

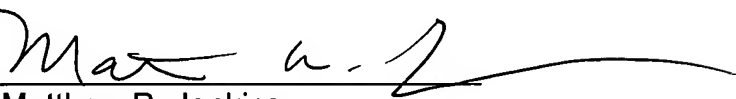
be deficient, please charge any further deficiencies to Deposit Account No. 10-0220.)

If the Examiner has any questions regarding this election, he is invited to
telephone the undersigned attorney.

Favorable action on the merits of the application is respectfully requested.

Respectfully submitted,

JACOX, MECKSTROTH & JENKINS

By: 
Matthew R. Jenkins
Reg. No. 34,844

MRJ:rl
2310 Far Hills Building
Dayton, OH 45419-1575
(937)298-2811

June 6, 2005